

1 \*E-Filed 8/12/14\*

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3  
4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
6 SAN FRANCISCO DIVISION

7  
8 WILLIE WEAVER,

9 No. C 14-3196 RS (PR)

10 Plaintiff,

11 **ORDER OF DISMISSAL;**

12 v.

13  
14 **ORDER DENYING LEAVE TO  
15 PROCEED IN FORMA PAUPERIS**

16 HARMEN,

17 Defendant.

18 /

19 Plaintiff's allegations that defendant is showing racist films in which the "n word" is  
20 used fails to state a claim for relief. Neither disrespectful, insulting, and vulgar language, nor  
21 verbal harassment, are actionable under section 1983. *See Freeman v. Arpaio*, 125 F.3d 732,  
22 738 (9th Cir. 1997); see also *Gaut v. Sunn*, 810 F.2d 923, 925 (9th Cir. 1987). The claim is  
23 also dismissed as duplicative because it was raised and rejected in another action. *See*  
*Weaver v. Lewis*, 14-cv-00342-RS.

24 Because the claim is duplicative, and therefore frivolous, plaintiff's application for  
25 leave to proceed *in forma pauperis* (Docket No. 3) is DENIED. *Tripati v. First Nat. Bank &*  
26 *Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987). The Clerk shall terminate Docket No. 3, enter  
27 judgment in favor of defendant, and close the file.

28 **IT IS SO ORDERED.**

DATED: August 12, 2014

  
25 RICHARD SEEBORG  
26 United States District Judge

27  
28 No. C 14-3196 RS (PR)  
ORDER OF DISMISSAL